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**From:** Greg Lovato  
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**Subject:** EPA Deferral Guidance  
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Angeles and Harry,

In the 1995 EPA NPL Deferral Guidance, item 2.g, the guidance states “**Sites Involving Tribal Lands.** A site on or involving land or other resources under Tribal jurisdiction may be deferred to a Federally-recognized Tribe if appropriate criteria are met. EPA will not defer such a site to the State unless the affected Tribe(s) agrees to the deferral through a three-party agreement with the State and the Region.” (underlined for emphasis)

In your deferral criteria letter it would help NDEP if EPA provides a more specific interpretation of how this particular section of guidance applies to potential NPL deferral at the Anaconda Mine Site. It is not entirely clear how the guidance condition of a three-party agreement applies to areas of the Site that are not under Tribal jurisdiction.

Thanks,

Greg

Greg Lovato, Administrator

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